IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA GREENVILLE DIVISION

Bruce Martin (SCDC #304679),) Civil Action No. 6:07-1592-JFA-WMC
Plaintiff,	
VS.	REPORT OF MAGISTRATE JUDGE
Associate Warden Larry Cartledge, et al.,))
Defendants.)))

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On September 24, 2007, the defendants filed a motion to dismiss. On September 25, 2007, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary dismissal procedure and the possible consequences if he failed to respond adequately. Despite this explanation, the plaintiff elected not to respond to the motion.

As the plaintiff is proceeding *pro se*, the court filed a second order on November 21, 2007, giving the plaintiff through December 19, 2007, to file his response to the motion to dismiss. The plaintiff was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The plaintiff elected not to respond.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989), *cert. denied*, 493 U.S. 1084 (1990).

s/William M. Catoe United States Magistrate Judge

January 8, 2008 Greenville, South Carolina